

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

KIMBERLY M. SANDERS,)
)
Plaintiff,)
)
v.) No. 4:08-CV-746 CAS
)
BSI CONSTRUCTION, INC, et al.,)
)
Defendant.)

ORDER OF DISMISSAL

On December 23, 2008, plaintiff was ordered to show cause, within thirty(30) days, why this case should not be dismissed for her failure to prosecute. The show cause order was precipitated because plaintiff had failed to participate in preparing a joint proposed scheduling plan as ordered by the Court, appear for the Rule 16 Conference, provide Rule 26 disclosures, respond to a Rule 12(b)(6) motion to dismiss, respond to discovery requests and defendant's motions to compel, and appear for the hearing on defendant's motion to compel. In the show cause order, plaintiff was warned that absent a reasonable explanation for her failure to prosecute, her action would be dismissed. Plaintiff did not respond to the order.

A district court has the power to dismiss an action if "the plaintiff fails to prosecute or to comply with [the Federal Rules] or a court order." Smith v. Gold Dust Casino, 526 F.3d 402, 404 (8th Cir. 2008). See also Fed. R. Civ. P. 41(b); Skelton v. Henry, 390 F.3d 614, 619 (8th Cir. 2004). Such a dismissal may be taken on the court's own motion and may be exercised under the court's inherent power to control its docket. Id.; Link v. Wabash R.R. Co., 370 U.S. 626, 629-33 (1962); Welsh v. Automatic Poultry Feeder Co., 439 F.2d 95, 96 (8th Cir. 1971). Here, plaintiff ignored the

Court's show cause order, and from all appearances, it would seem she has abandoned prosecution of this case. Therefore, the Court will dismiss plaintiff's cause of action.

Accordingly,

IT IS HEREBY ORDERED that the above-captioned cause of action is **DISMISSED**, **without prejudice**, for plaintiff's failure to prosecute and to comply with a court order.



CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 4th day of February, 2009.